

REMARKS

The abstract is amended as requested by the Examiner.

Claims 1-5, 9, 17-19, and 24-27 are rejected under 35 U.S.C. §102(e) as being anticipated by Lai, et al. (U.S. Patent No. 6,836,371). Claims 6 and 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Lai, et al. as applied to independent claim 1 above, and further in view of Guirao, et al. (U.S. Patent No. 6,511,180). Claims 13 and 14 are rejected under 35 U.S.C. §103(a) as being unpatentable over Lai, et al. as applied to independent claim 1 above, and further in view of Tagnon (U.S. Patent No. 3,722,986). Claims 15 and 16 are rejected under 35 U.S.C. §103(a) as being unpatentable over Lai, et al. as applied to independent claim 1 above, and further in view of Morris (U.S. Patent No. 6,454,408). Claims 21 and 22 are rejected under 35 U.S.C. §103(a) as being unpatentable over Lai, et al. as applied to independent claim 1 above, and further in view of Perrott (U.S. Publication No. 2002/0118337). Claim 23 is rejected under 35 U.S.C. §103(a) as being unpatentable over Lai, et al. as applied to independent claim 1 above, and further in view of Abitbol (U.S. Patent Publication No. 2002/0196412, now U.S. Patent No. 6,786,602).

Claims 1-27 are canceled.

New claims 28-46 are provided.

Support for the new independent claim 28 and dependent claim 29 are provided by the originally-filed application at, for example, original claim 1, and paragraphs 0018-0019 and 0050-0051. New dependent claims 30-43 which depend from new independent claim 28 substantially correspond to original dependent claims 2-15, and therefore, no new matter is added. New independent claim 44 corresponds to original independent claim 1 and original dependent claim 8 combined, and therefore, no new matter is added. Claims 45-46 which

depend from independent claim 44 substantially correspond to original claims 9 and 7, respectively. No new matter is added.

New independent claim 28 recites "implementing a first modifying step to modify a surface of the lens to correct aberrations of lower order, wherein the first modifying step further corrects a percentage of at least one aberration of higher order." Primary reference Lia, singularly or in any combination, fails to teach modifying a surface of the lens which corrects aberrations of lower order and additionally corrects at least a percentage **of an aberration of higher order**. Lia teaches to correct aberrations of lower and higher orders independently of each other. That is, Lia does not teach that correcting aberrations of lower order has any affect or relationship to aberrations of higher order. However, Applicant's originally-filed application teaches a method to correct aberrations of lower order, which include sphere, cylinder and axis, wherein the same correction additionally corrects aberrations of higher order (paragraphs 0018-0019 and 0050-0051 of the originally-filed application). That is, correcting aberrations of lower order also influences aberrations of higher order. In fact, a large percentage of aberrations of higher order can be corrected by a method of correcting aberrations of lower order (paragraphs 0018-0019 and 0050-0051 of the originally-filed application). In contrast, the art of record fails to teach or suggest correcting aberrations of lower order has any affect or influence on aberrations of higher order. No relationship is taught between correcting aberrations of lower order and correcting aberrations of higher order. Accordingly, it is inconceivable that the art of record teaches or suggests "a first modifying step ... to correct aberrations of lower order, wherein the first modifying step further corrects a percentage of at least one aberration of higher order" as positively recited by independent claim 28. Since the art of record fails to teach or suggest

positively recited limitations of claim 28, independent claim 28 is allowable.

Dependent claims 29-43 depend from allowable independent claim 28, and therefore, the dependent claims are allowable for depending from an allowable independent claim.

For example, dependent claim 29 recites "further comprising another modifying of at least a portion **of the same surface** of the lens *to increase the percentage of correction* of the at least one aberration of higher order." Lia, singularly or in any combination, fails to teach or suggest "another modifying of at least a portion of the same surface of the lens." Since the art of record fails to teach or suggest this positively recited limitation of claim 29, claim 29 is allowable. Moreover, Lia, singularly or in any combination, fails to teach or suggest "to increase the percentage of correction of the at least one aberration of higher order." For this additional reason, claim 29 is allowable.


New independent claim 44 recites "wherein at least 50%, preferably at least 75%, of said aberrations of higher order **are compensated solely by a correction** of said central aberrations such as sphere, cylinder and axis." The central aberrations can be characterized as aberrations of lower order. Accordingly, the subject matter of this claim is directed to correcting aberrations of lower order wherein this correction also corrects a percentage of aberrations of higher order. As previously stated with respect to independent claim 28, Lia, singularly or in any combination, fails to teach or suggest correcting aberrations of lower order which have any affect or influence on aberrations of higher order. Accordingly, it is inconceivable that the art of record teaches or suggests "*said aberrations of higher order* **are compensated solely** by a correction of said central aberrations" as positively recited by independent claim 44. Since the art of record fails to teach or suggest a positively recited limitation of claim 44, independent claim 44 is allowable.

Claims 45-46 depend from allowable independent 44, and therefore, the dependent claims are allowable for depending from an allowable independent claim.

This application is believed to be in immediate condition for allowance, and action to that end is respectfully requested. If the Examiner's next anticipated action is to be anything other than a Notice of Allowance, the undersigned respectfully requests a telephone interview prior to issuance of any such subsequent action.

Respectfully submitted,

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